

**BEFORE THE**  
**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET NO. TV-210535 and TV-210812
	)	(Consolidated)
CLUTTER, INC.,	)	
	)	CLUTTER, INC.'S MOTION TO
Petitioner,	)	EXTEND EXEMPTION DATE IN
	)	ORDER 04
Seeking Exemption from Tariff 15-C and	)	
certain provisions of WAC 480-15	)	
_____	)	
In the Matter of the Petition of	)	
	)	<b>EXPEDITED CONSIDERATION</b>
WASHINGTON MOVERS CONFERENCE	)	<b>REQUESTED</b>
	)	
Petitioner,	)	
	)	
Seeking Exemption from Tariff 15-C and	)	
certain provisions of WAC 480-15	)	
_____	)	

**INTRODUCTION**

1. Clutter, Inc., (Clutter or Company) hereby submits this Motion to Extend Exemption Date in Order 04.<sup>1</sup>
2. On October 14, 2021, the Washington Utilities and Transportation Commission (Commission) granted Clutter a temporary exemption from certain provisions of Chapter 480-15 Washington Administrative Code (WAC) and Tariff 15-C (Order 01) pending Clutter's request to update certain provisions of Tariff 15-C.<sup>2</sup> Those exemptions were originally set to expire May 1, 2022.<sup>3</sup> On April 20, 2022, Clutter requested an extension of the exemption granted in Order

<sup>1</sup> *In re Clutter*, Docket TV-210535, Order 04, Granting Extension of Order 01 Exemptions from Tariff 15-C and Commission Rules.

<sup>2</sup> Order 01.

<sup>3</sup> *Id.*

01 until the earlier of: 1) December 31, 2022; 2) the date the Commission ends the investigation into Tariff 15-C; or 3) the effective date of new rules or amendments to Tariff 15-C. The Commission granted Clutter’s Motion and the extension of the exemptions were set to expire on December 31, 2022.<sup>4</sup>

3. Because the Tariff 15-C stakeholder process was not yet completed, on November 29, 2022, Clutter requested an additional extension of the exemption granted in Order 01 until the earlier of: 1) March 31, 2023; or 2) the date the Commission ends the investigation into Tariff 15-C; or 3) the effective date of new rules or amendments to Tariff 15-C.

4. Since granting the original exemptions in Order 01, the Commission has consolidated proceedings to examine revisions to Tariff 15-C proposed by Clutter and the Washington Movers Conference (MWC).

5. On February 28, 2023, Commission Staff informed Clutter that it is working on the final updates to Tariff 15-C, but that the tariff will not be finalized and approved before March 31, 2023, the date Clutter’s exemptions are set to expire.

6. As described more fully below, Clutter asks the Commission to extend the exemptions granted in Order 04 until the earlier of: 1) June 30, 2023; 2) the date Commission ends the investigation into Tariff 15-C changes; or 3) the effective date of new rules or amendments to Tariff 15-C.

## **JURISDICTION**

7. Clutter holds a permit issued by the Commission to transport household goods within the state of Washington. The Commission regulates household goods carriers operating in

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<sup>4</sup> Order 02.

Washington pursuant to Revised Code of Washington (RCW) Chapter 81.80 and WAC Chapter 480-15.

8. The Commission also adopted Tariff 15-C containing the rates, rules, and terms and conditions that must be used by household goods carriers. The Commission may grant exemptions from its rules pursuant to WAC 480-15-035.

### **BACKGROUND**

9. On July 2, 2021, Clutter filed with the Commission a petition to revise Tariff 15-C and for temporary exemption from certain provisions of WAC 480-15 and Tariff 15-C.
10. On August 30, 2021, Clutter filed an amended petition to revise Tariff 15-C and for exemption from certain provisions of Tariff 15-C and WAC 480-15 (Amended Petition).
11. On October 14, 2021, the Commission found that Clutter's requested exemptions were in the public interest and consistent with the purposes underlying the regulation and applicable statutes. In Order 01, the Commission granted Clutter's petition for temporary exemption, set to expire May 1, 2022, regarding the following items:
  - a. An exemption from Tariff 15-C Item 230 and WAC 480-15-490 to allow the Company to bill one or more of the following in addition to its unregulated monthly storage fee: (1) a flat fee for transportation; (2) an hourly fee for labor based on the storage plan, which will not exceed the maximum hourly rate set forth in Item 230; and (3) a flat rate per item.
  - b. An exemption from Tariff 15-C Item 95(1)(g) to allow the Company to use 30 days to define permanent storage.

- c. An exemption from Tariff 15-C Item 230(2) to allow the Company to bill customers in actual time when hourly rates apply instead of 15-minute increments.
- d. An exemption from Tariff 15-C Item 230(6). When hourly rates are applicable for storage related moves, allowing Clutter to charge no more than the maximum rate in Item 230 without having a minimum rate.
- e. An exemption from Tariff 15-C Item 230(7), specifically the minimum charge of four hours before 8:00 a.m. and after 5:00 p.m., and on Saturday, Sunday, or state-recognized holiday for moves involving storage.
- f. An exemption from Tariff 15-C, Item 102 (5)(b) and (c), requiring a contract for Small Goods Transportation and Storage. Allowing Clutter to use the Commission's standard bill of lading, which contains all the required information and contains appropriate customer protection.

12. On February 22, 2022, the Commission consolidated Dockets TV-210535 (Clutter Petition) and Docket TV-210812 (WMC Petition) to address revisions to Tariff 15-C, providing stakeholders opportunity to submit comments by March 25, 2022.

13. On April 15, 2022, the Commission issued a Notice of Workshop, to be held on May 5, 2022, to address issues concerning Tariff 15-C.

14. On April 20, 2022, Clutter filed a motion to extend the exemption granted in Order 01. In its motion, Clutter requested that the extension be effective until the earlier of: 1) December 31, 2022; 2) the date the Commission ends the investigation into Tariff 15-C; or 3) the effective date of new rules or amendments to Tariff 15-C.

15. On April 28, 2022, the Commission issued Order 02 granting the extension of Order 01 until the earlier of: 1) December 31, 2022; 2) the date the Commission ends the investigation into Tariff 15-C; or 3) the effective date of new rules or amendments to Tariff 15-C.
16. On November 22, 2022, Commission Staff informed counsel for Clutter that it was working on updates to Tariff 15-C, but that the updates would not be finalized and approved before December 31, 2022, the date when Clutter's exemptions were set to expire.
17. On November 29, 2022 Clutter requested an additional extension of the exemptions granted in Order 01 and 02 until the earlier of: 1) March 31, 2023; or 2) the date the Commission ends the investigation into Tariff 15-C, or 3) the effective date of new rules or amendments to Tariff 15-C. The Commission granted Clutter's request in Order 04.
18. Clutter understands that Commission Staff will be circulating draft rules to stakeholders for comments soon, but that they will not be presented to the Commission for approval prior to March 31, 2023, the date Clutter's exemptions are set to expire.

#### **MOTION TO EXTEND EXEMPTION DATE IN ORDER 04**

19. Clutter respectfully requests that the Commission extend the exemptions granted in Order 04.
20. In Order 01, the Commission found that the exemptions sought by Clutter "benefit[ted] consumers without competitively disadvantaging other regulated household goods carriers."<sup>5</sup>

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<sup>5</sup> See Order 01 ¶ 11.

21. The Commission also found that the “exemptions generally have the effect of providing customers with more accurate billing and, in some instances, allow the Company to charge below the minimum rates set in Tariff 15-C.”<sup>6</sup>
22. In Order 02, the Commission concluded “that granting Clutter certain exemptions until the Commission completes the review and possible modifications to Tariff 15-C for companies providing household goods moves with contracts for storage services is consistent with the public interest. The requested exemptions benefit consumers without competitively disadvantaging other regulated household goods carriers.”<sup>7</sup>
23. Since being granted these exemptions, Clutter has been able to provide improved service to Washington customers by offering more precise billing and increased scheduling flexibility.
24. However, these exemptions are set to expire on March 31, 2023, prior to the end of the stakeholder process and the revisions to Tariff 15-C. As a result, Clutter is faced with having to revert to strict adherence to Tariff 15-C, which would deprive Washington customers of the service benefits the Commission noted in Order 01 and Order 02.
25. Additionally, should the Commission elect to modify Tariff 15-C as a result of the ongoing stakeholder process, and after Clutter’s exemption expires, Clutter would have to communicate policy changes to its customers several times within a few short months. This would cause unnecessary confusion and frustration to customers.
26. Clutter understands that the Commission does not grant exemptions lightly and appreciates that it has taken Clutter’s concerns seriously by initiating a review of Tariff 15-C. Clutter believes it is in the public’s best interest to limit the number of times its customers must

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<sup>6</sup> *Id.* at ¶ 15.

<sup>7</sup> See Order 2 ¶ 8.

adapt to policy changes. Accordingly, Clutter believes it is reasonable to extend the exemption granted until the Commission's review of Tariff 15-C is complete or, at the latest, until June 30, 2023.

27. WHEREFORE, based on the foregoing, Clutter respectfully requests that the Commission grant an extension of the exemption date granted in Order 04 until the earlier of: 1) June 30, 2023; 2) the date Commission ends the investigation into Tariff 15-C changes, or 3) the effective date of new rules or amendments to Tariff 15-C.

Dated in Portland, Oregon, this 10<sup>th</sup> day of March, 2023.

Respectfully submitted,



Chad M. Stokes, WSBA 37499, OSB 004007  
Cable Huston LLP  
1455 SW Broadway, Suite 1500  
Portland, OR 97201  
Telephone: (503) 224-3092  
E-mail: cstokes@cablehuston.com